



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/304,964	05/05/1999	JOHN CHIANG	50100-786	1446

20277 7590 04/04/2002
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

YAO, KWANG BIN

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 04/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ch d

Office Action Summary	Application No.	Applicant(s)
	09/304,964	CHIANG ET AL.
	Examiner	Art Unit
	Kwang B. Yao	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wu et al. (US 5,771,234).

Wu et al. discloses a system for scheduling the assignment and writing of the cells from cell sources comprising the following features: a plurality of CIU 100 in Figs. 7 and 8 including ports for receiving data cell from different data sources s_i , see column 13, lines 48-51; processor 200 in Fig. 8 for controlling the transmission of received data cells to a selected transmit port; the processor 220 including a plurality of FIFO 110 for queuing data cells, and for receiving the data cells from the plurality of FIFO 110 in successive time slots to identify one of the output ports B', P', M', and for dynamically allocating each of the time slots controlled by TIMESLOT CLK

and CLK₂ to one of the FIFO to one of the FIFO in accordance with data cells from different data sources s_i at the corresponding received ports, see Fig. 4, and column 9, line 43 to column 11-65.

Response to Arguments

3. Applicant's arguments filed 1/22/02 have been fully considered but they are not persuasive.

On pages 4-5, Applicant argues that the reference of Wu et al. does not disclose the following features: the processor comprises a plurality of queuing devices corresponding to the plurality of the received ports for queuing data blocks representing the data packets received by the corresponding received ports, logic circuitry for receiving the data blocks from the plurality of queuing device in successive time slots to identify the at least one selected transmit port for each data packet, and a scheduler interacting with the plurality of queuing devices for dynamically allocating each of the time slots to one of the plurality of queuing device in accordance with data traffic at the corresponding receive ports. Examiner respectfully disagrees with these arguments. As stated in preceding paragraph of the present Office Action, the processor in Fig. 8 of Wu et al. clearly discloses all the claimed limitations. The processor 200 includes a plurality of CIUs having FIFOs 110 for queuing data cells, and for receiving the data cells from the plurality of FIFO 110 in successive time slots to identify one of the output ports B', P', M', and for dynamically allocating each of the time slots controlled by TIMESLOT CLK and CLK₂ to one of the FIFO in accordance with data cells from different data sources s_i at the corresponding received ports, see Fig. 4, and column 9, line 43 to column 11-65.

On page 5, second paragraph, Applicant argues that Wu et al. discloses scheduling cells of multiple communications for transmission in an ATM communication system, the cells are assigned time slots based on the priority of the cells. Examiner respectfully disagrees with this argument. It is noted that priority of the cells depends on the data cell source. See column 18, lines 27-33. Moreover, The data cells transmission process is dynamically scheduling in accordance with the data source types. See column 6, lines 40-50.

Regarding the argument for claim 12 on page 5, it is respectfully submitted that the same statements in the preceding paragraph apply to this argument, since claim 12 has the same limitations as those recited in claim 1.

Conclusively, Examiner respectfully maintains that the reference of Wu et al. does anticipate the claimed invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

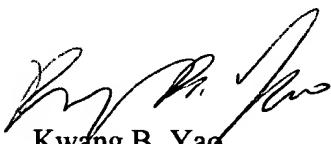
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

**KWANG BIN YAO
PRIMARY EXAMINER**



Kwang B. Yao
April 3, 2002